

REMARKS

Claims 1-22 and 24-78 are presently pending in this application. Claims 1, 5, 7-9, 29, 36-38, 41-43, 45-47, 49, and 51 have been amended to improve the readability of these claims and/or correct minor typographical errors, and not for any reasons related to patentability.

In a Notice of Non-Compliant Amendment (the "Notice") mailed March 5, 2008, the Examiner asserted that the previous response filed in this matter on December 17, 2007, was not fully responsive because "[t]he applicant added claims 62-78 without any arguments regarding these newly added claims." (Notice, p. 2.) The undersigned attorney wishes to thank the Examiner for providing further explanation and clarification regarding this issue in a voicemail message on April 10, 2008. As the Examiner indicated in the April 10th message, the present response to the Notice needs to only address newly added claims 62-78, and the previously-filed remarks from the December 17th response do not need to be resubmitted. Please note that although claims 62-78 were previously added as new claims in the response filed on December 17, 2007, these claims have again been marked as "New" in this paper in view of the Notice.

A. New Claims 62-78

The subject matter of new claims 62-78 is supported by the figures and text of the original application (e.g., Specification, paragraphs [0012] and [0026] and Figures 2 and 3.) Therefore, these claims do not add any new matter to the application and are fully supported under 35 U.S.C. §112, first paragraph. New independent claims 62 and 78, for example, include several features generally similar to those of claim 1 (e.g., hashing first data stored in data storage, retrieving a trusted hash value, and comparing the computed hash value with the trusted hash value). Accordingly, claims 62 and 78 are patentable over the applied references for at least the reasons discussed with reference to claim 1 in the December 17, 2007 response, and for the additional features of these claims.

B. Response to the Double Patenting Rejection

In the April 10th message, the Examiner further indicated that claims 1-22 and 24-61 remain rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 5,995,630 to Borza ("Borza"). The applicant respectfully traverses this rejection because claim 1-22 and 24-61 of the present application are patentably distinct from claims 1-14 of Borza. For example, Borza is directed to imaging devices for imaging biometric input for the purpose of user verification and, more particularly, to contact imaging devices for imaging fingerprints and the like used for encryption and decryption of files. Claim 1 of Borza, for example, is directed to a method of providing data, in dependence upon biometric information, to a computer. The method includes providing a digital representation of the biometric information (e.g., a fingerprint), processing the digital representation of the biometric information to provide data in dependence thereon, encoding the data within an image frame comprising an array of pixels, and transmitting the image frame to the computer.

In contrast to the claims of Borza, claims 1-22 and 24-61 of the present application are directed to methods and systems for detecting unauthorized executable code resident in a computer system. These claims are patentably distinct from the claims of Borza and, accordingly, the double patenting rejection of claims 1-22 and 24-61 over Borza should be withdrawn.

Conclusion

In view of the foregoing, the pending claims comply with the requirements of 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Aaron J. Poledna at (206) 359-3982.

Respectfully submitted,

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